

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

MICHAEL P. GRAFMULLER, #1409325

Petitioner,

v.

Civil No. 2:13CV50

**JOSEPH WEGNER,
Director, Air Force Corrections,**

Respondent.

FINAL ORDER

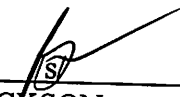
This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition seeks to resolve alleged constitutional errors underlying Petitioner Michael P. Grafmuller's military court-martial convictions. The respondent moved to dismiss Grafmuller's petition, and the matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed August 9, 2013 recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On August 15, 2013 the petitioner submitted three proposed Orders describing the relief he is requesting in his habeas petition. On August 23, 2013, the Court received petitioner's Objections to the Report and Recommendation and the Respondent filed his reply on August 29, 2013.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation and the Reply filed by Respondent, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed August 9, 2013. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

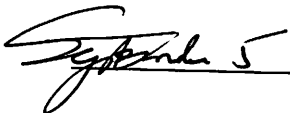
Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.



RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

, 2013